IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL Nos.1830 to 1833, 1839, 1847, 1851, 1857 and 1860 of 2002

WRIT APPEAL NO : 1830 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22-08-2002 in WP NO : 2422 OF 2002 on the file of the High Court.)

Between:

N.Srihari, S/o.Narayana,

Aged 45 years, working as Coir Training

& Extension Instructor

Regional Coir Training and Development

Centre, Coir Board, Swarajyanagar,

Rajahmundry, R/o.Rajahmundry,

East Godavari District.

..... APPELLANT

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant: MR.M.SURENDER RAO

Counsel for the Respondents 1 to 4: SMT.A.P.LAKSHMI, Addl. Standing Counsel for the Central Government.

Counsel for the Respondent No.5: G.P. for Industries and Comemrce.

WRIT APPEAL NO : 1831 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22-08-2002 in WP NO : 2418 OF 2002 on the file of the High Court.)

Between:

N.Naga Raju, S/o.Appanna,

Aged 41 years, working as Mazdoor

Regional Coir Training and Development

Centre, Coir Board, Swarajyanagar,

Rajahmundry, R/o.Rajahmundry,

East Godavari District.

..... APPELLANT

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant:MR.M.SURENDER RAO

Counsel for the Respondents Nos.1 to 4: Smt.A.P.Lakshmi, Additional Standing Counsel for the Central Government.

Counsel for the Respondent No.5: GP FOR INDUSTRIES & COMMERCE

WRIT APPEAL NO : 1832 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22-08-2002 in WP NO : 2419 OF 2002 on the file of the High Court.)

Between:

K.Bhima Raju, S/o.Peda Munaiah,

Aged 39 years, Working as Field Man

Regional Coir Training and Development

Centre, Coir Board, Swarajyanagar,

Rajahmundry, R/o.Rajahmundry,

East Godavari District.

..... APPELLANT

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant: MR.M.SURENDER RAO

Counsel for the Respondents Nos.1 to 4: Smt.A.P.Lakshmi, Additional Standing Counsel for the Central Government.

Counsel for the Respondent No.5: GP FOR INDUSTRIES & COMMERCE

WRIT APPEAL NO : 1833 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22-08-2002 in WP NO : 2417 OF 2002 on the file of the High Court.)

Between:

M.Ramachandra Rao, S/o.V.Satyanarayana,

Aged 42 years, working as Coir Training

& Extension Instructor,

Regional Coir Training and Development

Centre, Coir Board, Swarajyanagar,

Rajahmundry, R/o.Rajahmundry,

East Godavari District.

..... APPELLANT

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant: MR.M.SURENDER RAO

Counsel for the Respondents Nos.1 to 4: Smt.A.P.Lakshmi, Additional Standing Counsel for the Central Government.

Counsel for the Respondent No.5: GP FOR INDUSTRIES & COMMERCE

WRIT APPEAL NO : 1839 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/08/2002 in WP NO : 2416 OF 2002 on the file of the High Court.)

Between:

Syed Bab Sahed, S/o.Dowla,

Aged 44 years, working as Coir Training

& Extension Instructor

Regional Coir Training &

Development Centre, Coir Board,

Swarajyanagar, Rajahmundry,

R/o.Rajahmundry,

East Godavari District.

..... PETITIONER

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant: MR.M.SURENDER RAO

Counsel for the Respondents Nos.1 to 4: Smt.A.P.Lakshmi, Additional Standing Counsel for the Central Government.

Counsel for the Respondent No.5: GP FOR INDUSTRIES & COMMERCE

WRIT APPEAL NO : 1847 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22-08-2002 in WP NO : 2415 OF 2002 on the file of the High Court.)

Between:

G.Pandari Babu, S/o.VenkateswaraRao,

Aged 45 years, Working as Coir

Training & Development Centre,

Regional Coir Training & Development

Centre, Coir Board, Swarajyanagar,

Rajahmundry, R/o.Rajahmundry,

East Godavari District.

..... APPELLANT

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant: MR.M.SURENDER RAO

Counsel for the Respondents Nos.1 to 4: Smt.A.P.Lakshmi, Additional Standing Counsel for the Central Government.

Counsel for the Respondent No.5: GP FOR INDUSTRIES & COMMERCE

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WRIT APPEAL NO : 1851 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22-08-2002 in WP NO : 2420 OF 2002 on the file of the High Court.)

Between:

B.Dharma Raju, S/o.Venkaiah,

Aged 51 years, working as Field

Man Regional Coir Training

& Development Centre,

Coir Board, Swarajyanagar,

Rajahmundry, R/o.Rajahmundry,

East Godavari District.

..... APPELLANT

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant: MR.M.SURENDER RAO

Counsel for the Respondents Nos.1 to 4: Smt.A.P.Lakshmi, Additional Standing Counsel for the Central Government.

Counsel for the Respondent No.5: GP FOR INDUSTRIES & COMMERCE

WRIT APPEAL NO : 1857 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22-08-2002 in WP NO : 2423 OF 2002 on the file of the High Court.)

Between:

P.Paideswara Rao, S/o.Purushotham,

Aged 44 years, working as

Field Man Regional Coir

Training & Development Centre,

Coir Board, Swarajyanagar,

Rajahmundry, R/o.Rajahmundry,

East Godavari District.

..... APPELLANT

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant: MR.M.SURENDER RAO

Counsel for the Respondents Nos.1 to 4: Smt.A.P.Lakshmi, Additional Standing Counsel for the Central Government.

Counsel for the Respondent No.5: GP FOR INDUSTRIES & COMMERCE

WRIT APPEAL NO : 1860 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22-08-2002 in WP NO : 2421 OF 2002 on the file of the High Court.)

Between:

K.Ramakrishna, S/o.Rama Murthy,

Aged 43 years, working as Field Man

Regional Coir Training & Development

Centre, Coir Board, Swarajyanagar,

Rajahmundry, R/o.Rajahmundry,

East Godavari District.

..... APPELLANT

AND

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Union of India,

Represented by its Secretary,

Ministry of Rural & Agro Industries,

Udyog Bhavan, New Delhi.

5. The Government of Andhra Pradesh,

Rep. by its Secretary

Industries Department, Hyderabad.

(Respondent Nos.4 and 5 have been impleaded

as per Court Orders dated 12-06-2002)

.....RESPONDENTS

Counsel for the Appellant: MR.M.SURENDER RAO

Counsel for the Respondents Nos.1 to 4: Smt.A.P.Lakshmi, Additional Standing Counsel for the Central Government.

Counsel for the Respondent No.5: GP FOR INDUSTRIES & COMMERCE

The Court made the following :

COMMON JUDGMENT: (Per Hon'ble Sri Justice G.Bikshapathy)

These Writ Appeals are filed against the orders passed by the learned Single Judge in W.P.Nos.2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422 and 2423 of 2002, dated 22-08-2002, refusing to grant full back wages.

2. The learned Judge, having held that the termination was effected in violation of Section 25-F of the Industrial Disputes Act, 1947 (for brevity 'the Act, 1947'),

directed reinstatement with 50% back wages, leaving it open to the respondents to retrench the workman by following the provisions of Section 25-F of the Act, 1947 effectively. As far as the claim for balance 50% of back wages is concerned, the present Writ Appeals have been filed.

3. After hearing the learned counsel for the appellants, we do not find that there is any illegality in the order passed by the learned Single Judge. The relief, under Article 226 of the Constitution of India, is a discretionary relief and the learned Judge even though found the termination was illegal, only 50% back wages were granted and we are not inclined to interfere with the discretion exercised by the learned Judge.

4. Accordingly the writ appeals are dismissed. No costs.

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(G.BIKSHAPATHY,J)

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(B.SESHASAYANA REDDY,J)

Dated: 01-12-2004

Kvr/Prv

To

1. The Chairman,

Coir Board, Kochi, Kerala State.

2. The Secretary, Coir Board,

M.G.Road, Kochi, Kerala State.

3. The Regional Officer,

Coir Board, VUDA complex,

Siripuram Junction,

Visakhapatnam.

4. The Secretary,

Ministry of Rural & Agro Industries,

Union of India,

Udyog Bhavan, New Delhi.

5. The Secretary, Government of Andhra Pradesh,

Industries Department, Hyderabad.

6. Two CCs to G.P. for Industries and Commerce,

High Court of A.P., Hyderabad (OUT).

7. Two CD copies